

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**RUBEN GONZALVO,**

**Plaintiff,**

**v.**

**9:11-CV-0909  
(NAM/DEP)**

**THE STATE OF NEW YORK,**

**Defendant.**

**APPEARANCES:**

**OF COUNSEL:**

RUBEN GONZALVO  
97-A-3050  
Woodbourne Correctional Facility  
99 Prison Road  
P.O. Box 1000  
Woodbourne, NY 12788-1000  
Plaintiff, *pro se*

HON. ERIC T. SCHNEIDERMAN  
Office of the Attorney General  
The Capitol  
Albany, NY 12224-0341  
Counsel for Defendant

ADRIENNE J. KERWIN, ESQ  
Assistant Attorney General

**NORMAN A. MORDUE, SENIOR U. S. DISTRICT JUDGE**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 7<sup>th</sup> day of January 2015. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-

Recommendation, and no objections submitted thereto, it is

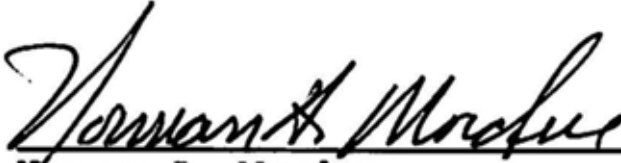
ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendant's motion for summary judgment (Dkt. No. 54) is denied.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the

Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: January 30, 2015  
Syracuse, New York

  
Norman A. Mordue  
Senior U.S. District Judge